

# Calendar No. 1070

91ST CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 91-1065

RUSSELL L. CHANDLER

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JULY 30, 1970.—Ordered to be printed

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Mr. BURDICK, from the Committee on the Judiciary, submitted the following

## REPORT

[To accompany H.R. 12622]

The Committee on the Judiciary, to which was referred the bill (H.R. 12622) for the relief of Russell L. Chandler, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

### PURPOSE

The purpose of the proposed legislation is to pay the amount authorized by current regulations but not to exceed \$724.65, to Russell L. Chandler, an employee of the National Aeronautical and Space Administration, formerly of Huntsville, Ala., who was ordered to report for duty at his new duty station in Washington, D.C., on September 18, 1966, for relocation allowances authorized by the Administrative Expenses Act of 1946 (60 Stat. 806), in accordance with the provisions of the regulations of the Bureau of the Budget contained in Circular No. A-56, revised, October 12, 1966, except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with the said relocation prior to the enactment of the bill.

### STATEMENT

The National Aeronautics and Space Administration in reporting to the House Judiciary Committee stated it had no objection to enactment of the bill provided that it be amended so that the time limitation will not be applied to expenses incurred in connection with his relocation prior to the enactment of this bill. The House Judiciary Committee amended the bill accordingly.

The payment authorized in the amended bill would reimburse Mr. Russell L. Chandler for expenses he advised NASA he incurred in connection with the purchase of a new dwelling in Washington, D.C., after having been transferred there from Huntsville, Ala. The bill would authorize this payment subject to applicable regulations but with a waiver of time limitations as to expenses incurred prior to the bill's enactment into law.

The time limitation which would be waived by the bill is found in section 4.1d of the Bureau of the Budget circular. In relevant part, section 4.1d of BOB Circular A-56, revised, which implements 5 U.S.C. 5724a(a)(4), provides:

\* \* \* The Government will reimburse an employee for expenses required to be paid by him in connection with the \* \* \* purchase of one dwelling at his now official station \* \* \* *provided that:*

\* \* \* \* \*

d. The settlement dates for the purchase \* \* \* for which reimbursement is requested are not later than one year after the date on which the employee reported for duty at the new official station, except that an appropriate extension of time may be authorized by the head of the department or his designee when settlement is necessarily delayed because of litigation.

From conversations with Mr. Chandler, NASA understands that settlement was scheduled within the year specified in Bureau of the Budget Circular A-56; however, because the contractor constructed the wrong type of wall in the new residence, the Veterans' Administration would not approve a VA loan until this was corrected. According to Mr. Chandler, the condition was corrected and settlement was finally made on February 21, 1968.

Since more than 1 year elapsed from the date Mr. Chandler reported to duty in Washington, D.C. (September 18, 1966), to the date of settlement for the purchase of a new dwelling in Washington, D.C. (February 21, 1968), Mr. Chandler could not meet the time limit in section 4.1d of Bureau of the Budget Circular No. A-56, revised. This is the problem which H.R. 12622 seeks to overcome.

NASA pointed out that since H.R. 12622 cannot now be enacted within 6 months of the February 1968 date when Mr. Chandler incurred the settlement expenses—the bill would have had to be enacted by August 21, 1968—it will not succeed in giving to Mr. Chandler the relief he requests. This is so, because, by the original terms of the bill, the time limit contained in section 4.1d of the circular is only waived for expenses incurred within 6 months of the date of enactment of the bill. In view of this, NASA suggested that the bill be amended by revising all that follows the word "except" on page 2 to read "except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with said relocation prior to the enactment of this Act." In substance, the House committee has recommended this amendment. The House committee also recommended that a limit be fixed in the bill equal to the amount claimed, \$724.65, be stated in the bill.

The committee is in agreement with the action taken by the House of Representatives and accordingly recommends favorable consideration of H.R. 12622, without amendment.

Attached hereto and made a part hereof is a letter dated August 13, 1969 from the National Aeronautics and Space Administration:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,  
Washington, D.C., August 13, 1969.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This replies further to your request for the comments of the National Aeronautics and Space Administration on the bill H.R. 12622, for the relief of Russell L. Chandler.

This is a private relief bill for Mr. Chandler, an employee of NASA, who had been stationed in Huntsville, Ala., and was ordered to report to his new duty station in Washington, D.C., on September 18, 1966.

The bill would authorize and direct the Secretary of the Treasury to pay Mr. Chandler relocation allowances authorized by the Administrative Expenses Act of 1946, in accordance with Bureau of the Budget Circular No. A-56, revised, October 12, 1966, "\* \* \* except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred within 6 months of the date of the enactment of this Act."

In essence, the purpose of the bill is to reimburse Mr. Chandler for \$724.65 of expenses which, he has advised us, he incurred in connection with the purchase of a new dwelling at his new official duty station—in Washington, D.C. The bill would attempt to accomplish this by making inapplicable the time limit, established in Bureau of the Budget Circular No. A-56, revised, for settlement dates for the purchase of a new residence; the bill, therefore, provides that expenses incurred by Mr. Chandler within 6 months of the enactment of the bill shall not be subject to the 1 year time limit in section 4.1d of the Bureau of the Budget circular.

In relevant part, section 4.1d of Bureau of the Budget Circular A-56, revised which implements 5 United States Code 5724a(a) (4), provides:

"\* \* \* the Government will reimburse an employee for expenses required to be paid by him in connection with the \* \* \* purchase of one dwelling at his now official station \* \* \* *provided that:*

\* \* \* \* \*

"d. The settlement dates for the purchase \* \* \* for which reimbursement is requested are not later than one year after the date on which the employee reported for duty at the new official station, except that an appropriate extension of time may be authorized by the head of the department or his designee when settlement is necessarily delayed because of litigation."

We understand, in conversations with Mr. Chandler, that settlement was scheduled within the year specified in Bureau of the Budget Circular A-56; however, because the contractor constructed the wrong type of wall in the new residence, the Veterans' Administration would not approve a VA loan until this was corrected. According to Mr.

Chandler, the condition was corrected and settlement was finally made on February 21, 1968.

Since more than 1 year elapsed from the date Mr. Chandler reported to duty in Washington, D.C. (September 18, 1966) to the date of settlement for the purchase of a new dwelling in Washington, D.C. (February 21, 1968), Mr. Chandler could not meet the time limit in section 4.1d of Bureau of the Budget Circular No. A-56, revised. This is the problem which H.R. 12622 seeks to overcome.

However, since H.R. 12622 can not now be enacted within 6 months of the February 1968 date when Mr. Chandler incurred the settlement expenses—the bill would have had to be enacted by August 21, 1968—it will not succeed in giving to Mr. Chandler the relief he requests. This is so, because, by the terms of the bill, the time limit contained in section 4.1d of the circular is only waived for expenses incurred within 6 months of the date of enactment of the bill.

In view of the foregoing, it is suggested that the bill be amended by revising all that follows the word "except" to read "except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with said relocation prior to the enactment of this Act."

If the legislation is amended as indicated above, the National Aeronautics and Space Administration would have no objection to its enactment.

The Bureau of the Budget has advised that, from the standpoint of the administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

J. J. LAUX,  
For ROBERT F. ALLNUTT,  
*Assistant Administrator for Legislative Affairs.*

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